

## **REMARKS**

The present Amendment amends claims 1-12. Therefore, the present application has pending claims 1-12.

In paragraph 5 of the Office Action the Examiner objected to the information being disclosed by the "Background of the Invention" section of the present application. Particularly, the Examiner alleges that a listing of the references discussed in the Background of the Invention section was not provided. Attached herewith is a Form PTO-1449 in which the references discussed in the Background of the Invention section are listed. Also, copies of such references are attached for the Examiner's reference. Therefore, this objection is overcome and should be withdrawn.

In paragraph 6 of the Office Action the Examiner objected to the drawings as allegedly not including reference characters mentioned in the description. Amendments were made to the specification to clarify that the elements 310 and 101 are shown in the Figs. 1 and 3 respectively not Fig. 5. Therefore, this objection is overcome and should be withdrawn.

Claims 1, 3, 5, 7, 9 and 11 stand objected due to informalities noted by the Examiner in paragraph 7 of the Office Action. Amendments were made to claims 1, 3, 5, 7, 9 and 11 to correct the informalities noted by the Examiner. Therefore, this objection is overcome and should be withdrawn.

Claims 1-12 stand rejected under 35 USC §102(b) as being anticipated by Kurose (U.S. Patent Application Publication No. 2001/0056459). This rejection is traversed for the following reasons. Applicants submit that the features of the present invention as now more clearly recited in claims 1-12 are not taught or suggested by Kurose whether taken individually or in

combination with any of the other references of record. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Amendments were made to claims 1-12 in order more clearly describe features of the present invention as illustrated, for example, in Fig. 5 of the present application.

Particularly, amendments were made to the claims so as to more clearly recite that the present invention is directed to a processing method for use in the operation of a storage managing server 20 that is connected to a storage device 30 and a storage managing terminal 10.

According to the present invention, the storage managing server 20 receives a first request 110 requesting download of a manager program issued from the storage managing terminal 10, wherein the manager program is used by the storage managing terminal 10 for executing processing on the storage managing server 20. The storage managing server 20 also receives a second request 120 for executing processing including communication of constructional information 310, which relates to a plurality of volumes in the storage device 20, between the storage device 30 and the storage managing server 20 wherein the constructional information is used for managing the storage device 30.

According to the present invention the storage managing server 20 starts processing, which includes at least sending a third request 125 to the storage device 30 requesting constructional information 310, with respect to the second request 120 before the storage managing server 20 transmits a response 140 to the first request 110 to the storage managing terminal.

Further, according to the present invention the storage device 30 has the plurality of volumes each of which stores data sent from host computers 40, 41 via a network (SAN).

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record whether taken individually or in combination with each other. Particularly, the above described features of the present invention as now more clearly recited in the claims are not taught or suggested by Kurose.

Kurose teaches a service assignment apparatus which sets an appropriate service in a service incompatible apparatus as a network element so as to guarantee the service in the entire network. Kurose teaches that a service request compatible apparatus processes a received network service request and provides a service and a network information collection unit in the service assignment apparatus collects information on a service provision state of the service request compatible apparatus.

Further, Kurose teaches that a target apparatus determination unit determines a service request incompatible apparatus based on the collected information on the service provision state and a service mapping unit determines a service which the service incompatible apparatus can provide based on the information on the service provision state and information on the determined service request compatible apparatus.

In the Office Action the Examiner points to paragraph [0152] of Kurose as corresponding to the features of the present invention as recited in the claims. However, this teaching of Kurose does not correspond to the features of the present invention as recited in the claims particularly being that the

there is no teaching or suggestion in this passage of Kurose of the storage of constructional information regarding the volumes contained in a storage device as in the present invention as recited in the claims. Paragraph [0152] of Kurose simply teaches that:

“the details of the operations realized by the functions which computers constituting the policy servers 80 described above can be written as programs stored in computer readable recording mediums”.

Further, at no point in Kurose is there any teaching or suggestion of the various operations performed by the storage managing terminal and the storage managing server with regard to the first, second and third requests as recited in the claims.

As per the claims, the first request requests downloading of the manager program to be used in the storage managing terminal to execute processings on the storage managing server. Such a first request so as to download a manager program is taught or suggested by Kurose.

Further, the claims recite that the storage managing terminal sends a second request for execution of processings on the storage managing server including communication of constructional information which relates to the volumes on the storage device.

As per the claims, the processings performed in response to the second request are performed prior to responding to the first request. Such features are clearly not taught or suggested by Kurose.

Still further, the claims recite that the processing performed by the storage managing server includes at least sending a third request to the

storage device requesting the constructional information. These features are not taught or suggested by Kurose.

In addition, the claims recite that the storage device stores data from a host computer and the volumes. Such features are clearly not taught or suggested by Kurose.

Thus, Kurose fails to teach or suggest that the managing server receives a first request, requesting download of a manager program issued from the storage managing terminal, wherein the manager program is used by the storage managing terminal for executing processing on the storage managing server as recited in the claims.

Further, Kurose fails to teach or suggest that the storage managing server receives a second request for executing processing including communication of constructional information, which relates to the volumes in the storage device, between the storage device and the storage managing server wherein the constructional information is used for managing the storage device as recited in the claims.

Still further, Kurose fails to teach or suggest that the storage managing server starts processing, which includes at least sending a third request to the storage device requesting constructional information, with respect to the second request before the storage managing server transmits a response to the first request to the storage managing terminal as recited in the claims.

Still further yet, Kurose fails to teach or suggest that the storage device includes the volumes each of which stores data sent from host computers via a network as recited in the claims.

Therefore, Kurose fails to teach or suggest the features of the present invention as recited in the claims. Accordingly, reconsideration and withdrawal of the 35 USC §102(b) rejection of claims 1-12 as being anticipated by Kurose is respectfully requested.


The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the reference utilized in the rejection of claims 1-12.

In view of the foregoing amendments and remarks, applicants submit that claims 1-12 are in condition for allowance. Accordingly, early allowance of claims 1-12 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (TMI-5011).

Respectfully submitted,

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